

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

Tanja Douay Vance,

Lawyer (Bar No. 41941).

Supreme Court No.

DISCIPLINARY COUNSEL
DECLARATION

I, Kathy Jo Blake, declare and state:

1. I am the disciplinary counsel assigned to the disciplinary proceedings against respondent lawyer Tanja Douay Vance. This statement is submitted in support of a Petition for Interim Suspension under Rule for Enforcement of Lawyer Conduct (ELC) 7.2(a)(3).

2. On May 17, 2019, the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (WSBA) received a grievance filed against Ms. Vance by Nina Aguero Rios.

3. On May 22, 2019, ODC sent Ms. Vance a copy of the grievance, along with a letter requesting her written response to the grievance within 30 days of the date of the letter. A true and correct copy of ODC's May 22, 2019 letter is attached hereto as Exhibit A.

4. Ms. Vance did not submit a written response to the grievance as requested.

5. On June 25, 2019, ODC sent Ms. Vance a letter requesting her written response to the grievance within 10 days of the letter or she

would be subpoenaed for a deposition. A true and correct copy of ODC's June 25, 2019 letter is attached hereto as Exhibit B.

6. Ms. Vance did not submit a written response to the grievance within 10 days of ODC's June 25, 2019 letter as requested.

7. On July 10, 2019, I issued a Subpoena Duces Tecum commanding Ms. Vance appear for a deposition at the offices of the WSBA on August 6, 2019 and to produce documents in her possession or control related to her representation of Ms. Aguero Rios. A true and correct copy of the Subpoena Duces Tecum is attached hereto as Exhibit C.

8. On July 11, 2019, a process server attempted to serve Ms. Vance at her business address of record, Magna Law Group, PLLC located at 701 5th Avenue Suite 4200, Seattle, Washington 98104-7047. The receptionist on the 42nd floor indicated that Magna Law Group, PLLC has a virtual office at the location but is not physically located at the address. According to the receptionist, Ms. Vance is rarely at that location. A true and correct copy of email communication between ODC and the process server is attached as Exhibit D.

9. Upon learning this information, I instructed my legal administrative assistant to have the process server attempt to serve Ms. Vance at her home address on file with the WSBA.

10. On July 12, 2019, personal service was effectuated by leaving a copy of the Subpoena Duces Tecum with an adult male at Ms. Vance's home address of record. A true and correct copy of a Declaration of Service is attached hereto as Exhibit E.

11. Ms. Vance did not appear for her August 6, 2019 deposition and to date has failed to provide a response to this grievance or any of the requested records.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

9/6/19 Seattle, WA
Date & Place

Kathy Jo Blake
Kathy Jo Blake, Bar No. 29235
Managing Disciplinary Counsel

Exhibit A

WASHINGTON STATE
BAR ASSOCIATION
Office of Disciplinary Counsel

Felice P. Congalton
Managing Disciplinary Counsel

ACKNOWLEDGMENT THAT WE RECEIVED A GRIEVANCE

May 22, 2019

ODC File: 19-00672

Grievant: Nina Aguero Rios

Lawyer: Tanja Douay Vance (with copy of grievance)

To the Grievant:

We received and reviewed your grievance (complaint) against a lawyer and assigned the file number indicated above. The Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC) govern the grievance process. The WSBA's Office of Disciplinary Counsel, under delegated authority from the Washington Supreme Court, must review and may investigate a grievance against a lawyer to determine if the lawyer's conduct should affect his or her license to practice law. We are requesting a written response from the lawyer. If we begin an investigation, the staff member assigned will contact you. If we dismiss your grievance, we will send you a letter to tell you why. We are not a substitute for protecting your legal rights. We cannot represent you or give you legal advice. Time deadlines for civil and criminal cases are not affected by filing a grievance.

Grievances filed with our office are not public information when filed, but **all information related to your grievance may become public**. Please communicate with us only in writing, including any concerns about your grievance becoming public. You should receive a letter from us within one month.

To the Lawyer:

Although we have reached no conclusions on the merits of this grievance, we are asking for your preliminary written response. If you do not respond to this request within **thirty (30) days** from the date of this letter, we will take additional action under ELC 5.3(h) to compel your response. Absent special circumstances, and unless you provide us with reasons to do otherwise, **we will forward a copy of your entire response to the grievant**. See ELC 5.1(c)(3)(A) about disciplinary counsel's limited ability to withhold information from a grievant. If you believe further action should be deferred because of pending litigation, please explain the basis for your request under ELC 5.3(d).

You must personally assure that all records, files, and accounts related to the grievance are retained until you receive written authorization from us, or until this matter is concluded and all possible appeal periods have expired.

See wsba.org/for-legal-professionals/professional-discipline/resources-for-lawyers for additional information.

Sincerely,



Felice P. Congalton
Managing Disciplinary Counsel

DO NOT SEND ORIGINALS. We will scan and then destroy the documents you submit.



1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539
206-727-8207 | caa@wsba.org | www.wsba.org

Exhibit B

WASHINGTON STATE
BAR ASSOCIATION
Office of Disciplinary Counsel

Felice P. Congalton
Managing Disciplinary Counsel

June 25, 2019

Tanja Douay Vance
Magna Law Group, PLLC
701 5th Ave Ste 4200
Seattle, WA 98104-7047

Re: ODC File: 19-00672
Grievance filed by Nina Aguero Rios

Dear Ms. Vance:

We asked you to provide a written response to the above referenced grievance. To the best of our knowledge, your response, which is required by Rule 5.3(b) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(h), you must file a written response to the allegations of this grievance within ten days of this letter, i.e., on or before July 8, 2019. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Sincerely,



Felice P. Congalton
Managing Disciplinary Counsel

cc: Nina Aguero Rios



Exhibit C

WASHINGTON STATE
BAR ASSOCIATION
Office of Disciplinary Counsel

Kathy Jo Blake
Managing Disciplinary Counsel
Direct line: (206) 733-5939
E-mail: kathyjob@wsba.org

July 10, 2019

HAND DELIVERED WITH SUBPOENA DUCES TECUM

Tanja Douay Vance
Magna Law Group, PLLC
701 5th Ave Ste 4200
Seattle, WA 98104-7047

Re: Grievance of Nina Aguero Rios against lawyer Tanja Douay Vance
ODC File No. 19-00672

Dear Ms. Vance:

Enclosed is a subpoena duces tecum compelling your attendance at a deposition in accordance with Rule 5.3(h) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC). The subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you already have been informed, you will be liable for the costs associated with the deposition, including service of the subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on August 6, 2019 at 10:00 a.m. is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to a Review Committee of the Washington Supreme Court's Disciplinary Board with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,



Kathy Jo Blake
Managing Disciplinary Counsel

Enclosure



1
2
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4
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6 BEFORE THE
7 DISCIPLINARY BOARD
8 OF THE
9 WASHINGTON SUPREME COURT

10 In re

11 Tanja Douay Vance,
12 Lawyer (Bar No. 41941).

ODC File No. 19-00672

SUBPOENA DUCES TECUM

13 THE STATE OF WASHINGTON TO: Tanja Douay Vance

14 YOU ARE HEREBY COMMANDED under Rules 5.3 and/or 5.5 of the Washington
15 Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC) to be and appear at the
16 Washington State Bar Association offices, 1325 4th Avenue, Suite 600, Seattle, WA 98101, on
17 August 6, 2019 at 10:00 a.m., to testify in investigatory proceedings being conducted by the
18 Office of Disciplinary Counsel of the Washington State Bar Association. The testimony will be
19 recorded by a certified court reporter.


20 YOU ARE FURTHER COMMANDED to bring the following with you at the above
21 time:

22 1. Whatever documents are in your possession or control relating to your
23 representation of Nina Aguero Rios, including your complete client file (including all pleadings,
24 correspondence, phone notes, call logs, memos, and any other written materials), all emails and

any other electronic communications (including text messages, instant messages, multi-media messages, chat messages, or any other form of instant communication sent or received utilizing a digital media device).

2. All financial records (including billing and trust records such as canceled checks, client ledgers, disbursal statements, bank statements, and monthly billings) relating to funds received in connection with your representation of Nina Agüero Rios.

Dated this 10th day of July, 2019.


Kathy Jo Blake, Bar No. 29235
Managing Disciplinary Counsel

CR 45 Sections (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to subsection (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce and all other parties, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance;
- (ii) fails to comply with RCW 5.56.010 or subsection (c)(2) of this rule;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden, provided that the court may condition denial of the motion upon a requirement that the subpoenaing party advance the reasonable cost of producing the books, papers, documents, or tangible things.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

1 (2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation
2 materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things
not produced that is sufficient to enable the demanding party to contest the claim.

3 (B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the
4 person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must
promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is
resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the
information in camera to the court for a determination of the claim. The person responding to the subpoena must preserve the information until
the claim is resolved.

Exhibit D

Kathy Jo Blake

From: Seattle Legal Messengers Dispatch <dispatch@seattlelegalmessengers.com>
Sent: Friday, July 12, 2019 10:09 AM
To: Carol Kinn
Subject: re Tanja Douay Vance Regarding: Tanja Douay Vance

Our Number: 268813
Your Reference Number: re Tanja Douay Vance
Served: Tanja Douay Vance
Case: vs. In re Tanja Douay Vance, Lawyer (Bar No. 41941)

Here is an update on the attempts we've made so far.

Date: 7/11/2019

Time: 11:44 AM

Address Attempted: 701 5th Avenue Ste 4200, , Seattle, WA 98104 Per reception on the 42nd floor, this is a shared floor, and some businesses, like Magna Law Group, PLLC, have virtual offices here. They receive mail at this location but are not physically located here. Tanja Douay Vance is rarely at this location. I called the phone number 206-659-5008 and got no response. I left a voicemail.

Exhibit E

BEFORE THE DISCIPLINARY BOARD OF THE WASHINGTON STATE SUPREME COURT

In re Tanja Douay Vance, Lawyer (Bar No. 41941)

Case No.: 19-00672
DECLARATION OF SERVICE

The undersigned, being first duly sworn on oath deposes and says: That he/she is now and at all times herein mentioned was a resident of the United States, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on 7/12/2019 at 7:38 PM at the address of [REDACTED] the undersigned duly served the following document(s): Subpoena Duces Tecum; Letter dated July 10, 2019 in the above entitled action upon Tanja Douay Vance, by then and there personally delivering 1 true and correct set(s) of the above documents into the hands of and leaving same with John Doe who refused to state name, Co-Resident, a person of suitable age and discretion, who is a resident therein.

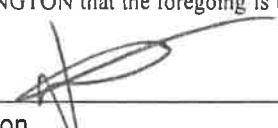
Physical description of person served: Gender: Male | Race: White | Age: 50's | Height: 6' 3" | Weight: 200 | Hair: Bald

I declare under penalty of perjury under the laws of the state of WASHINGTON that the foregoing is true and correct.

DATE: 7/17/2019
TOTAL: \$ 110.00



§
L



J. Tilton
Registered Process Server
License#: 2018-04 - Expiration Date: 1/29/2020
Seattle Legal Messengers
4201 Aurora Avenue N, #200
Seattle, WA 98103
(206) 443-0885

WASHINGTON STATE BAR ASSOCIATION

September 06, 2019 - 1:47 PM

Filing Attorney Discipline

Transmittal Information

Filed with Court: Supreme Court

Appellate Court Case Number: Case Initiation

The following documents have been uploaded:

- ATD_Petition_for_Suspension_20190906134403SC855542_2789.pdf

This File Contains:

Petition for Suspension - Petition for Immed Susp - ELC 7.2 Danger

The Original File Name was Cover Letter to Susan Carlson with Enclosures.PDF

A copy of the uploaded files will be sent to:

- kathyjob@wsba.org
- onlinefiling@wsba.org
- tanja@magnalawgroup.com

Comments:

Cover Letter, Declaration of Mail, Declaration with Exhibits also included.

Sender Name: Sarah Tucker - Email: saraht@wsba.org

Address:

1325 4th Ave, Suite 600

Seattle, WA, 98101

Phone: (206) 733-5904

Note: The Filing Id is 20190906134403SC855542